



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 10-141

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

2. Form, Style and Placement in Administrative Code

a. In s. PI 46.01 (2), the paragraphs are mislettered, with two par. (b)’s. See also comment 5. b. regarding this provision.

b. In rule definitions that refer to statutory definitions, the phrases “defined in” or “defined under” should be replaced by “given in”. [See s. 1.01 (7) (c), Manual.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The following comments refer to the rule analysis:

- (1) In the last sentence of the second paragraph under the heading “Plain language analysis”, “but” should be inserted after “training”.
- (2) In the third paragraph under that heading, “2001” should read “2011” and a period should be inserted at the end of the sentence.
- (3) In the last sentence under the heading “Summary of factual data and analytical methodologies”, “of” should be inserted before “cardiopulmonary” and “defibration” should be changed to “defibrillation”.

b. Section PI 46.01 is titled “Purpose” and the language in sub. (1) states the purpose of the chapter as establishing training requirements for persons administering drugs to pupils. However, the language in s. PI 46.01 (2) is not “purpose” language, but rather a listing of the

categories of individuals who are subject to the training requirements contained in the chapter. Two subsequent provisions, ss. PI 46.03 (1) and 46.04 (intro.), also discuss the persons to whom the training requirements apply. It is suggested that the three provisions be reviewed and consolidated to provide a concise explanation of the persons who must receive training. Note that it does not appear necessary to have a separate section titled “General” (s. PI 46.03) and one titled “Training Requirements” (s. PI 46.04).

c. In s. PI 46.02 (9), should “parental” medication instead read “parenteral” medication? This word occurs in several places in the rule. Also in this provision, the phrase “includes but is not limited to” should not be used because the word “includes” means “includes but is not limited to”. [See s. 1.01 (7), Manual.]

d. In s. PI 46.03 (1), a period should be inserted after “2m” on line 3. In s. PI 46.03 (2), the phrase “as defined in s. 118.29 (1) (c), Stats.” could be added to the end of the sentence for clarification.

e. The following comments pertain to s. PI 46.04:

- (1) Section PI 46.04 (intro.) states that the named entities (school board, etc.) “shall provide for the following training...”. Does “provide for” mean that the entities may either provide the training themselves or arrange for someone else to provide it?
- (2) In subs. (1) and (2), it should be clarified who is responsible for ensuring that the individuals adequately demonstrate their knowledge of and ability to perform the specified tasks. In sub. (1), it is unclear whether the documentation by a school nurse, medical provider, or parent is supposed to provide that assurance. Also, does the documentation have to be in writing? Should documentation be required under sub. (2) as well? Should a guardian, as well as a “willing, adequately trained parent”, be listed here? Also, it should be clarified whether language pertains to *any* adequately trained parent or just the parent of the pupil.
- (3) Subsection (2) requires that assurance be given “biannually” that individuals are knowledgeable in the listed subjects. That term means twice a year. Is the intent that it be done every semester? Or, is the intent to require the training *biennially* (every two years)? In sub. (2) (a) 10., the phrase “they will administered” should be changed to “the person will administer”.
- (4) It is unnecessary to subdivide sub. (2) (b) into two subdivisions. The two provisions could be merged into par. (b). In what is now par. (b) 1., a comma should be inserted after “used” on line 2 and in par. (b) 2., “par. (b)” should be deleted.